

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORDER

Defendant Henry Little-Proctor's Motion for Review of Magistrate Judge's Finding of Probable Cause (Doc. 12) is DENIED.

Defendant asks the Court to review the Magistrate Judge's finding of probable cause prior to any final determination by a Grand Jury. In making his request, Defendant has not provided, nor has the Court found, any authority justifying the Court's intervention in this matter at this stage. The cases Defendant points to as "authority" for this Court to overturn a Magistrate Judge's finding of probable cause all pre-date the Federal Magistrates Act of 1968, 28 U.S.C. § 631 *et seq.* United States v. Vassallo, 282 F.Supp. 928 (E.D.Pa. 1968); United States v. Florida, 165 F.Supp. 328 (E.D.Ark. 1958); United States v. Zerbst, 111 F.Supp. 807 (E.D.S.C. 1953). The cited cases address a District Court's ability to review and overturn a finding by a quasi-judicial United States Commissioner, not a federal Magistrate Judge, and are, thus, inapposite.

The issues raised by Defendant in the instant motion are more appropriately raised in a writ of habeas corpus, writ of mandamus or in pretrial motions, if and when an indictment has been returned. United States v. Reeds, 552 F.2d 170, 171 (7th Cir. 1977) (citing United States v. King, 482 F.2d 768, 771 (D.C. Cir. 1973)); Fed. R. Crim. P. 12(b)(3)(A). Accordingly,

Defendant's Motion for Review of Magistrate Judge's Finding of Probable Cause (Doc. 12) is DENIED.

IT IS SO ORDERED.

August 15, 2016

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record